IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 5404 of 2004

Between:

K. Suresh Babu, S/o Raja Sekhar,
R/o 3/2060, Raja Reddy Street, Kadapa.

..... PETITIONER

AND

1. The Assistant General Manager, State Bank of India, Zonal Office, Tirupathi.
2. The Branch Manager, State Bank of India, Bhakrapeta Branch,

Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of writ of Certiorari, call for the records leading up to and inclusive of DPC/R-V/071 dated 19-2-2004 and quash the same as illegal, unconstitutional and beyond the jurisdiction of the respondent herein.

Counsel for the Petitioner: MR.S.V.BHATT

Counsel for the Respondent Nos.1 and 2: MR.E.MADAN MOHAN RAO

The Court made the following:

O R D E R:

Admittedly, in this case the disciplinary authority, while deferring with the findings of the Enquiry Officer, did not issue any notice to the petitioner and came to its own conclusion on the basis of evidence and passed the impugned order proposing to dismiss the petitioner from service.

While admitting the writ petition, this Court granted interim suspension on 23-03-2004 in WPMP.No.7045 of 2004. Now the said order is sought to be vacated by filing WVMP.No.2985 of 2004.

In the counter-affidavit filed in support of the vacate petition the respondents denied the allegations made by the petitioner. But insofar as issuing of any notice by the disciplinary authority before deferring with the Enquiry Officers' report is concerned, admittedly no notice has been issued to the petitioner. Further, it is sought to be defended saying that there is no provision in the Award Enquiry Regulations to issue such a notice.

The petitioner was not issued with any notice by the disciplinary authority while deferring with the findings of the Enquiry Officer. This is blatantly an illegal order and is in gross violation of principles of natural justice. The impugned order dated 19-02-2004 is liable to be set aside and is accordingly set aside. However, this will not preclude the respondents from taking appropriate action as per law.

Accordingly, the writ petition is allowed. No order as to costs.

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01-12-2004.

Lrkm.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Wednesday the first day of December Two thousand and four.

REGISTRAR.

To

1. The Assistant General Manager, State Bank of India, Zonal Office, Tirupathi.
2. The Branch Manager, State Bank of India, Bhakrapeta Branch,

Kadapa District.

3 CD copies.